



## MEMORANDUM

**TO:** Parks and Recreation Board

**FROM:** Manuel A. Mollinedo, Director  
Parks and Recreation Department

**DATE:** April 15, 1991

**SUBJECT:** Town Lake Park Trust Fund

Establishment of a Town Lake Park trust fund was a recommendation of the Town Lake Park Ordinance passed in 1989. The Town Lake Comprehensive Plan discussed the creation of a non-profit charitable organization to assist the City in raising funds, receiving contributions and managing the implementation of the Plan.

In 1990, the Concession Policy, adopted by the Parks Board and the Waterfront Planning Advisory Board, also recommended the establishment of such a fund "to accept all revenues from concessions, as well as other funds generated by Town Lake Park activities, such as special events," to be used for development and land acquisition for the park.

*Committee*  
*Terry Colgan*  
*Phil Friday*  
*Erma Linda*

Prior to the establishment of a Town Lake trust fund, a series of issues should be addressed to determine the scope of the fund and to determine its role in the broader mission of supporting the Parks and Recreation Department. In order to assist me in defining the purpose of the fund, I am requesting the appointment of a Parks Board committee to address the policy implications of a Town Lake trust fund.

Among the major issues that must be covered are the following:

### Eligible Expenditures

*+*  
*Heather*  
*Zaul*

The Town Lake Comprehensive Plan recommends that proceeds of the fund be spent to implement the Plan. Although the discussion in the Plan is general in nature, the implication is that funds would be used primarily for capital improvements and expansion of the system.

A second option is to use the trust fund to cover the costs of maintenance as well as capital improvements.

The existing precedent for a capital improvements fund generated outside the CIP process is the Town Lake Beautification Fund, a repository for donations to improve the park. Donations are often made as memorials, and the funds have historically been used for capital improvements.

#### Revenue Sources

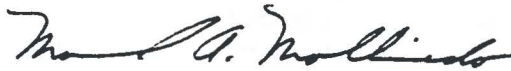
Four funding sources were suggested in the Comprehensive Plan to carry out the vision of the Plan: public bonds, public funding sources primarily from operating budgets, private sector funding, and public-private partnerships.

Public bonds are issued solely for capital improvements. Periodically, private funds have been contributed for Town Lake improvements such as the Boathouse or trail near the American-Statesman building.

Other funding sources could be used as well for park maintenance. City revenues, which are generated from activities in Town Lake Park currently, go to the General Fund. The General Fund, in turn, is the source of maintenance funds. These revenues are primarily from concessions, rentals and two swimming pools, Barton Springs and Deep Eddy. Revenues have increased each of the last three fiscal years, but each year expenditures exceeded revenue.

Issues to consider are additional sources of revenue, whether to insulate capital and maintenance funds, and the ability to prohibit the diversion of trust fund accounts to other uses.

I look forward to working with you on this challenging and important policy.



Manuel A. Mollinedo, Director  
Parks and Recreation Department

MAM:SC



## MEMORANDUM

**TO:** Parks and Recreation Board

**FROM:** Manuel A. Mollinedo, Director  
Parks and Recreation Department

**DATE:** April 16, 1991

**SUBJECT:** Rowing Report 1990  
Departmental Response to City Council

As members will recall, the Board adopted the Rowing Committee's Rowing Report at the meeting held on November 14, 1990. The Report was subsequently presented to the City Council in February. The Council requested that a staff response for the implementation of the recommendations contained in the report be brought back to them in a timely manner.

I have now completed my response, which was compiled in conjunction with the Public Works and the Environmental and Conservation Services Departments.

A copy of my response to the recommendations of the Rowing Committee is attached for your information and review. I will be presenting this response to a meeting of the City Council in the near future.

Please let me know if I can provide you with any additional information.

Manuel A. Mollinedo, Director  
Parks and Recreation Department

MAM:pm

## 1990 ROWING REPORT - STAFF RESPONSE TO CITY COUNCIL

The Parks and Recreation Board presented their Rowing Report 1990 to the Council in February 1991. The Council requested a staff response to the implementation of the Rowing Report be brought back to them. This report considers the feasibility of the recommendations made by the Rowing Committee, the estimated costs, funding sources and the procedural requirements necessary to implement the proposals.

The City's Public Works, Environmental and Conservation and Legal Department were asked to review the Rowing Report, the responses from the Public Works Department and ECSD are attached.

This report considers the various topics raised by the Rowing Committee and addresses their concerns regarding safety and the removal of navigation hazards, rules of the road and safe boating, restrictions on alcohol consumption, navigation aids, and safety enforcement. It also considers the development of rowing, new boathouse facilities and the carrying capacity of Town Lake.

### **SAFETY**

#### **Removal of Navigation Obstructions**

The major safety hazards outlined in the report are the submerged sand bars at the mouths of the creeks that drain into Town Lake and the submerged low-water dam adjacent to the Seaholm Power Plant and Green Water Treatment Plant water intake structures. The report identified the problems at Johnson, Shoal and Waller Creeks as having the most serious sand bar problems. The Park Police Lake Patrol has expressed concerns over boating safety because of the sand bars and the low-water dam, particularly for visitors unfamiliar with the lake.

Because of the possible environmental and engineering problems that might be encountered with removing the sand bars and the low-water dam a preliminary engineering study should be carried out to ascertain the scope of such a project and to estimate the probable cost.

The Public Works Department has indicated that these obstructions are navigational hazards and their removal would not benefit flood control or water quality characteristics of Town Lake, and that the use of drainage fees allocated for channel clearing would be an inappropriate use of those funds.

Alternative funding sources that should be considered for the removal of these obstructions are:

1. Submitting the proposal as a future CIP Project, after the preliminary engineering study has established an estimated project cost.

2. The US Army Corps of Engineers. The 1990 Water Resources Development Act 1990, Section 306, directed the Corps to consider environmental restoration as part of its mission. This project could qualify as environmental restoration, however funding would need to be secured on an individual project basis, following appropriations by Congress. The earliest that funding could be obtained, if approved would be 1993.

Dredging the sandbars and removal of the low-water dam would likely require a permit from the US Army Corps of Engineers. Additionally the removed sediment, consisting of primarily urban run-off, is expected to be contaminated with toxics including DDT, Chlordane, lead, and polychromatic hydrocarbons. Testing of river sediments in Town Lake have indicated contamination by chemical residues and Town Lake is on the Texas Water Commission's and the EPA's list for toxics. Because of this contamination, permits from the TWC and the EPA may required.

If sediments are removed, a Toxicity Characteristic Leaching Procedure (TCLP) test would be required by the EPA to evaluate potentially toxic materials considered for disposal.

The Environmental and Conservation Services Department is currently carrying out a study of non-point source pollution of Town Lake as part of the Clean Lakes Program funded by the Texas Water Commission and the EPA. As part of this study, the Public Works Department and ECSD are at present discussing methods of improving water quality in Town Lake. Consideration is being given to erosion control and removal of deposited sediments. Because this program would not be for navigational or recreational safety purposes, the Public Works Department recommendation is that removal of the sand bars and the low-water dam be deferred until joint departmental proposals can be completed as part of the City's FY 1992 budget development.

Of course to prevent continuing siltation forming new sandbars an on going program of silt removal and dredging, funded by the appropriate department's operating budget, should be considered. The City and the Lower Colorado River Authority are participating in a long term urban retrofit project to reduce siltation caused by urban run-off. This is a project sponsored jointly by the Texas Water Commission and the EPA.

The removal of stumps, logs and other floating debris and trash from the lake on a routine basis would require the reinstatement of funding for the Town Lake clean up crew, as recommended by the Rowing Committee. The restoration of the clean-up crew would require additional funding to the Parks and Recreation Department budget. To

satisfactorily equip the crew it is necessary to have a small boat, trailer and 3/4 ton pick-up truck as well special clothing and tools. It is estimated that it would cost approximately \$75,000 in the first year and approximately \$55,000 in subsequent years.

#### Navigational Aids

The Rowing Committee also proposed that signage be provided designating the rules for watercraft on Town Lake. Additionally the Committee recommended the installation of navigational bouys to indicate the hazards prior to their removal and to designate boating lanes through bridges and at turns in the lake. The Park Police Lake Patrol concur that until the hazards can be removed they should be marked with the appropriate bouys, the Lake Patrol also feels bouys could be provided to accommodate the specific needs of rowing groups if it improves safety. The total cost to purchase and install the signage and bouys is not expected to exceed \$10,000. There would also be an annual requirement for maintenance and replacement.

#### Safety Enforcement

The report mentions requirements for navigational rules, navigation lights and restrictions on alcohol. The Texas Water Safety Act controls the operation of watercraft on the inland waters of Texas, various sections of the Act cover 'Rules of the Road', use of navigation lights during darkness and the operation of a vessel while intoxicated. Section 31.097 defines a vessel as all watercraft except a device that is propelled solely by the current of the water. The Park Police Lake Patrol presence on Town lake would allow for all sections of the Texas Water Safety Act to be enforced adequately.

At present the Park Police Lake Patrol have a patrol boat on Town Lake one day a week, usually on Sundays. The patrol boat responds to incidents both on the water and the hike and bike trail around Town Lake as well as educating users of the lake in water safety and safe boating practices. The Park Police Lake Patrol supports the recommendation of the Rowing Committee in providing a permanent patrol on Town Lake. There is at present more than sufficient activity on and around the lake to justify a patrol boat being provided during weekends and holidays. As these activities increase, the frequency of lake patrols should also be increased to daily during the summer months and ultimately year round.

In order to provide eight hour patrols during the weekends it would be necessary to purchase a new boat suitable for use during inclement weather and a trailer and associated equipment. Additional staff time would also be required to adequately cover the added patrols. The

estimated cost for the first year would be \$41,000 with an annual expenditure of approximately \$21,000.

A full time patrol on Town Lake would require two additional Park Police Officers, a new patrol boat with communications radios, motor, and trailer at an estimated cost of \$90,000 with a future annual expenditure of \$68,000 a year. Consideration should also be given to construction of a dock or boat house with a small office to the requirement to put the boat in and out of the water each day and transport it to secure location during the overnight period.

## **DEVELOPMENT OF ROWING**

### **New Boathouse Facilities**

The Rowing Report recognizes the need for additional covered boat storage, the boathouse facility located near the Four Seasons Hotel is now at capacity. Funding for a new facility is not included in any current CIP budget. If such a facility is to be developed it would need to be funded either by a new CIP allocation, money raised by organizations such as the Austin Rowing Club through private or corporate sponsors or by the University of Texas constructing a boathouse for the Texas Crew.

The Town Lake Comprehensive Plan, adopted by Council in May 1988, shows a new boathouse facility located in 'The Basin' at the far east end of Town Lake, in the vicinity of the intersection of South Lakeshore Boulevard and Pleasant Valley Road. The Town Lake Ordinance, passed by Council in January 1989 identifies three distinct areas of Town Lake where various classes of rowing concessions would be permitted. The East Town Lake area between Congress Avenue and Longhorn Dam, and West Town Lake between Lamar Boulevard and Tom Miller Dam allow for recreational rowing including canoes, racing shells and rowboats. It would be preferable to locate any new boathouse facility within these specific areas.

### **Carrying Capacity of Town Lake**

The Town Lake Ordinance designates areas for various classes of rowing and boating activities. By separating uses such as recreational and sports rowing compatible uses can be encouraged and the carrying capacity of the lake maximized. The capacity will be established using the standards developed by the US Army Corps of Engineers, however experience may allow these capacities to be exceeded in certain areas.



## MEMORANDUM

**TO:** Parks and Recreation Board

**FROM:** Manuel A. Mollinedo, Director  
Parks and Recreation Department

**DATE:** April 18, 1991

**SUBJECT:** South First Street (Drake Bridge) Improvements  
Alterations to Accommodate Cyclists

Members of the Parks and Recreation Board have expressed concern that the improvements and widening to South First Street Bridge will not provide adequate facilities for cyclists and will not be consistent with the Town Lake bike trail, currently being designed.

Discussions have taken place between Board Members Iscoe and Crump, Parks and Recreation Department staff, and representatives of the Public Works and Transportation Department where these concerns were highlighted.

A number of options were considered that would improve this situation, which are listed below. I am requesting that the Director of the Public Works Department review these design changes and submit them to the State Department of Highways and Public Transportation for inclusion as a change order to the project.

The changes proposed are:

1. Provide lowered curbs as cycle ramps to enable cyclists to move from the roadway onto and off the lowered walkway across the bridge. The ramps should be located on both sides of the bridge at the north and south ends.
2. At the end of the lowered walkway on the south side of the bridge, increase the length of the landing at the top of the inclined ramp from 10' to 20' to provide a smoother transition for cyclists between the ramps and the lowered walkway. This would also provide a larger area at a point of conflict between pedestrians and cyclists.
3. Increase the widths of both sidewalks on the south side of the bridge to provide a continuous 10' width from the lowered walkway to the location of the cycle ramps proposed in Item #1.

Parks and Recreation Board Members  
South First Street Bridge

Page 2

4. On the southeast quadrant of the bridge, extend the inclined ramp further south until it meets grade, which will eliminate the return wall at the bottom of the ramp. At the location where the inclined ramp meets grade, the cycle path should turn 90 degrees and terminate in a lowered curb cycle ramp to the access road. The path as proposed on the construction drawings should remain for the use of pedestrians and the handicapped.
5. On the southwest quadrant of the bridge, the bottom of the inclined ramp should be extended into the parking lot the length of a parking stall, the width should be at least 10' wide.

Please let me know if you would like additional information.



Manual A. Mollinedo, Director  
Parks and Recreation Department

MAM:pm



# Kids get high on Town Lake adventure

## Youngsters learn from positive activities

By John Bryant  
American-Statesman Staff

There was High Adventure on the seas of Town Lake last week.

High Adventure is the name of an environmental awareness program sponsored by the Austin Nature Center and Parks and Recreation Department for children from recreation centers in South and East Austin.

Last Wednesday, a dozen young canoeists from the Rosewood Recreation Center, many on the lake for the first time, were keeping their eyes peeled for signs of life under and over the water.

A young boater saw something swimming past her canoe.

"There's fish out here?" she asked co-leader Kenny Jackson.

Sure, he said.

"Why don't they fly away," the girl asked.

"They're not those kind of fish," Jackson answered.

The free program consists of four field trips that teach challenging outdoor skills and an appreciation for nature. The weekly sessions started in December and run through August.

Sometimes the challenges take the forms of daddy-longlegs spiders hanging from a cave ceiling, or the slithery thing that 7-year-old Yvonne Jones spotted near

the shore just after her group members launched their canoes.

"It was a snake," Yvonne said.

Such encounters, according to Austin Nature Center program director Yolanda Guerrero, can be boost confidence and self-esteem.

The children also learn new social skills through the teamwork necessary for activities such as hiking, canoeing, caving, and rappelling.

"I learned to be on my best behavior," said Elijah Watson, a 13-year-old sixth-grader at Campbell Elementary School. "I try to be good at school, but it just doesn't work."

Elijah said Jackson and Rosemary Allsup, the other co-leader at the Rosewood session, make him feel important by giving him a leadership role in the group.

Also, he said, "I've got to be on my best behavior to go on field trips."

Last week's outing, the last for the Rosewood group, began with canoeing instructions near the rental concession just below Barton Springs pool.

Since all the children were beginners, Jackson decided not to let the children row past the mouth of the creek into the deeper waters of Town Lake.

The children did not complain.

"You could drown if you get wet," one of

**See Canoeists, Page 4**



Staff photo by John Bryant

Canoeists Elijah Watson, left, Cecil Hunter, center, and Germain Woods watch for signs of wildlife along the banks of Barton Creek.

# Canoeists get high on Town Lake adventure

Continued from Page 1

the kids said.

Some of the rowers chased after what they thought was a beaver, but was more likely one of the nutria that live along the Colorado River.

The children saw plenty of turtles, which greatly pleased 8-year-old Lamonte Carathers.

"They look just like Ninja Turtles," said Lamonte, a second-grader at Campbell. "I also liked the goose with the big nose and the black head."

Another animal lover, Germain Woods, said he spent his school days on Wednesdays looking forward to the field trips.

"It's like Boy Scouts," said Germain, a 12-year-old sixth-grader at Blackshear Elementary School.

Germain said he learned like how to respect others and how to keep quiet on the city van when Jackson was driving.

Aaron Manor, a sixth-grader at Blackshear, said his favorite trip was the caving expedition.

"If we ever go in a cave again, we won't get lost," said Aaron.

Guerrero said children who have the opportunity to take lessons such as canoeing and caving can use those skills when they are older.

"We have a lake that runs right through our city," said Guerrero.

The High Adventure program is funded by \$10,000 from a \$100,000

---

**"I learned to be on my best behavior. I try to be good at school, but it just doesn't work."**

**— Elijah Watson, 13**

---

City Council appropriation for parks department activities that target boys and girls from ages 6 to 17.

The Youth At-Risk programs are designed to provide alternatives to gang-related activities and battle the high drop-out rate by involving children in positive leisure experiences, Guerrero said.

The next four-week High Adventure session will start Saturday at the Montopolis Recreation Center. Participants will meet from 11 a.m. to 2 p.m. each Saturday in April.

The South Austin Recreation Center will have sessions from 10 a.m. to 1 p.m. each Saturday in May.

Summer sessions are scheduled at both centers, as well as at Pan American Recreation Center and Rosewood Recreation Center.

Openings are available for all sessions, Guerrero said.



APR 1 1991

## MEMORANDUM

PARKS AND RECREATION  
CITY OF AUSTIN

TO: Alicia Perez, Assistant City Manager  
FROM: Raúl Calderón, Assistant City Attorney  
Law Department  
DATE: March 29, 1991  
SUBJECT: Parks Board's Role In The Process For Securing Park Concessions

### QUESTION PRESENTED

What is the role of the Parks Board with regard to the process for securing concessions for City parks?

### SHORT ANSWER

The Parks Board official role in the securing of concessions is limited to the making of recommendations to the City Council as to the appropriateness, status and advisability of concessions on Town Lake Park. A Parks Board member may also serve as part of a team to evaluate proposals received in response to requests for proposals.

### DISCUSSION

The Parks Board derives its authority from the ordinances creating it and empowering it. Under Section 10-4-23 of the City Code, the Board may adopt the rules and regulations it finds necessary to guide it in the conduct of its actions so long as such rules and regulations are not inconsistent with superseding laws, rules or formally issued Council directives.

The Parks Board functions in a largely advisory capacity, having been charged with advising the City Manager and the City Council on issues dealing with City parks. (City Code Section 10-4-24).

With regard to concessions, the Parks Board is charged under City Code Section 10-4-53(a) with the duty of receiving an annual report from the Parks and Recreation Department on concession operations in Town Lake Park and in making recommendations therefrom to the City Council. The recommendations should address the appropriateness of concessions, the status of existing concessions and the advisability of issuing requests for proposals for concessions in Town Lake Park.

The Parks Board has no authority to issue requests for proposals and consequently has no authority to solicit nor receive proposals. The Parks Board is not prevented, however, from adopting procedures or pursuing activities designed to enable it to discharge its advisory function.

The solicitation of proposals for concessions is an administrative duty of the City Manager, dischargeable by the Director of the Parks and Recreation Department or such other persons or offices as she may designate. To the extent provided by City Code Section 10-4-53(b), a

DATE 2/22/91  
TO MAN, RICK = HQ

☐ Please handle  
☐ Response for my signature  
☐ Provide copy of your response  
☒ For your information *cdm 2-28-91*



Manuel A. Mollinedo, Director  
Parks and Recreation Department

## MEMORANDUM

TO: Manuel A. Mollinedo, Director, Parks and Recreation  
FROM: Raúl Calderón, Assistant City Attorney  
DATE: February 22, 1991  
SUBJECT: Zilker Park Railroad Concession Contract

You have asked me to examine a conflict in the rates specified in an ordinance approving of a concession assignment and in a later amendment to the concession agreement. You also asked what options are available to the City in renewing the agreement.

I have reviewed the ordinance approving the transfer of the Zilker Park railroad concession and the current agreement between the railroad's operator and the City of Austin.

Although the ordinance as approved in 1985 specified fees for adults and children, the agreement executed in 1989 specified higher and different fees. The new fees have been charged and payments to the city have been based on a percentage of the total amounts taken. Under these circumstances, the City's acceptance of payment based on the newer and higher fees likely constitutes approval of the fees charged.

Under the provisions of Paragraph V of the agreement, renewal of the agreement is purely within the discretion of the City. The City may renew the agreement on such terms and conditions as it may find favorable or necessary provided that the resulting agreement is not so substantially different as to be a new agreement in fact.

*Raúl Calderón*

Raúl Calderón  
Assistant City Attorney

RC:lw

cc: Iris J. Jones, City Attorney  
Diana L. Granger, Deputy City Attorney



MEMORANDUM

TO: Raul Calderon, Assistant City Attorney

FROM: Manuel A. Mollinedo, Director  
Parks and Recreation Department

DATE: February 1, 1991

SUBJECT: Request for Legal Interpretation of Contract for Zilker  
Eagle Train

The Parks and Recreation Board is considering whether or not to recommend to Council that a Request for Proposal (RFP) be issued for concessions in the Town Lake area. As part of their consideration, they have been studying the current concession contracts. One of the members, Neil Iscoe, has raised several questions about the current contract for operation of the Zilker Eagle Train.

In particular, he is concerned that the rates stipulated in the current contract differ from the rates that Council referred to in the resolution approving the sale of the train and the transfer of the concession agreement to the new owner.

Also he is interested in the renewal clause. Does the 5-year extension clause obligate the City of Austin to renew the contract under the same terms if the contractor wishes to renew?

I would appreciate your reviewing the attached contract and its terms in view of Mr. Iscoe's concerns.

Please let me know if you need additional information.

Manuel A. Mollinedo, Director  
Parks and Recreation Department

MAM:jh

Attachment

ORDINANCE NO. 85 0404-C

AN ORDINANCE APPROVING NICHOLAS KOSTETSKY'S SALE OF HIS ZILKER PARK RAILROAD ASSETS AND TRANSFER OF THE REMAINING NINE (9) YEARS OF THE LEASE AGREEMENT FROM KNC ENTERPRISES, INC., TO CHARLES AND CARLENE BEALL; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE (3) SEPARATE DAYS; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

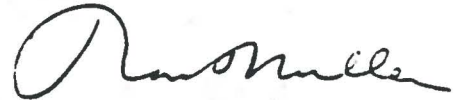
PART 1. That approval of Nicholas Kostetsky's sale of his Zilker Park Railroad assets and transfer of the remaining nine (9) years of the lease agreement from KNC Enterprises, Inc. to Charles and Carlene Beall with the condition that fees remain 95c for adults and 80c for children is hereby granted.

PART 2. Therefore, the rule requiring the reading of ordinances on three (3) separate days is hereby suspended and this Ordinance is hereby passed and adopted as an emergency measure and shall be effective immediately upon its final passage and adoption as provided by the Charter of the City of Austin.

PASSED AND APPROVED:

April 4, 1985

§  
§  
§  
§




Ron Mullen  
Mayor

APPROVED:

  
Paul C. Isham  
City Attorney

ATTEST:

  
James E. Aldridge  
City Clerk

05APR85

FG:jkg

THE STATE OF TEXAS

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF TRAVIS

This CONTRACT and CONCESSION AGREEMENT made and entered into by and between the CITY OF AUSTIN, a municipal corporation situated in Travis County, Texas, hereinafter for convenience called "CITY", and ZILKER EAGLE, INC. of Travis County, Texas, hereinafter for convenience called "CONCESSIONAIRE".

W I T N E S S E T H:

I.

In consideration of the rental to be paid by Concessionaire and the covenants and conditions to be kept and performed by Concessionaire, it is the purpose of this Contract to grant to the Concessionaire the concession rights and privileges as follows, to-wit:

(a) Concessionaire shall have the concession to operate a miniature train to carry passengers in and through Zilker park.

(b) Concessionaire is granted the right to sell souvenir trinkets, post cards, pennants, T-shirts, railroad hats and other like items of souvenir value appropriately designed and properly related to the operation of a miniature railroad, but shall not be obligated to do so.

## II.

In consideration of their grant herein of the exclusive concession rights and privileges to operate a miniature train to carry passengers in and through Zilker Park, Concessionaire hereby promises to pay to the City without demand at the office of the Director of Finance in the City of Austin, Travis County, Texas, rental at the following rate or rates, to-wit:

(a) Ten per cent(10%) of the gross income from the sale of train tickets.

1. Serially-numbered tickets for the rides will be printed at the expense of Concessionaire and placed on deposit with the Director of Parks and Recreation of the City of Austin.
2. Tickets will then be delivered to Concessionaire upon the

payment of an amount equivalent to ten per cent (10%) of the face value of the tickets to the City of Austin.

3. No other tickets will be used, nor may the issued tickets be re-used at any time, and used tickets will be destroyed in compliance with such rules as may be made by the Director of Parks and Recreation of the City of Austin, Travis County, Texas.
4. Concessionaire will have the right to issue refunds if the train fails to complete its trip or becomes inoperable for any reason. Concessionaire will request each rider to sign a refund receipt. these refund receipts will be presented to the Director of Parks and Recreation for the issuing of new tickets.

(b) Ten per cent (10%) of the gross income from the sale of trinkets and souvenirs.

(c) Concessionaire will furnish a certified statement of sales of T-shirts, railroad hats, trinkets and souvenirs to City by the 15th day of each month for the previous month's sales, together with payment as herein specified.

(d) In the event Concessionaire elects to exercise its five (5) year option to renew as provided in Section V herein, after the first fifteen (15) years have expired, then the percentage of gross receipts may be renegotiated.

### III.

Concessionaire agrees to charge for rides on its miniature train as follows:

Adults and children over the age of twelve	1.25 per ride
Children under the age of twelve	1.00 per ride
Children under one	free
Groups (twenty or more)	\$0.75
Seniors	\$0.75

The refusal of Concessionaire to pay the fee as specified after written notice shall automatically terminate this license and concession. The City of Austin shall have a lien as security for the fees aforesaid on all the property which is placed on the affected premises, which shall be cumulative of the statutory lien. Concessionaire shall not remove any of its property placed on said premises while indebted to the City of Austin in any amount. Before removal of any of such property, Concessionaire shall notify the Director of Parks and Recreation in writing of the intention of removal and the accounts and books of Concessionaire shall be open for inspection by any duly authorized representative of the City of Austin.

#### V.

The term of this concession shall expire on April 30, 1994, unless sooner terminated under the provisions contained herein. An option to renew this concession for an additional five (5) years may be granted to

Concessionaire at the discretion of the City. Concessionaire shall make timely application for such renewal no less than ninety (90) days before the April 30, 1994 expiration of the primary term.

## VI.

The concession rights and privileges herein granted to Concessionaire are hereby granted subject to the following special terms and conditions, to-wit:

(a) Concessionaire shall comply with all laws of the State of Texas and the Ordinance of the City of Austin concerning the operation and licensing of activities permitted hereunder.

(b) If the concession hereby granted is in conflict with any restriction, requirement, or limitation contained in the deeds, dedication, or grants of the realty herein involved under which the title or use of said realty has been vested in the City of Austin or dedicated to the public; then, the privilege granted herein shall be construed in such manner as to make it conform, where possible, with any such restriction, requirement or limitation contained in the deeds, dedication or grants of the realty.

(c) The operations of Concessionaire shall be conducted in a quiet and orderly manner and the premises involved shall be kept free from

rubbish and debris, which shall be deposited in closed containers at places designated by the Superintendent of Parks.

(d) Concessionaire shall pay for all utilities necessary in his construction and operation, by arrangement with the suppliers of such services.

(e) Concessionaire shall be bound by all rules and regulations promulgated by the City Council relating to Zilker Park.

(f) Concessionaire shall not suffer the land involved or the estate herein granted at any time during said term to become subject to any lien or encumbrance whatsoever, other than as herein provided, and if such an attempt is made or it is done, the encumbrance shall be void and this permit shall be subject to termination by action of the City Council of Austin.

(g) Concessionaire shall not transfer or assign its rights or obligations hereunder without the written consent of the City.

(h) Concessionaire will keep the improvements and equipment in good repair and condition at their own cost and expense and will perform all necessary maintenance to said improvements and equipments so as to keep the same in the same state of repair as they are now in, save and except for reasonable use and wear and tear thereof.

(i) The Concessionaire shall conduct its business in a manner that will reflect credit upon its operations and the City.

(j) Concessionaire will endeavor to employ only persons who in appearance, manner and character are suitable to a business operating a concession of this type and the City shall have the right to eject from the premises covered by this agreement any employee of Concessionaire whose conduct is improper, inappropriate or offensive, and such employee shall not be re-employed by Concessionaire without the written consent of the City Manager of the City of Austin.

(k) Installation or extension of any public utility to the premises or improvements operated and used by Concessionaire shall be at at Concessionaire's expense, and all bills for the use of any public utility by Concessionaire shall be paid by the Concessionaire.

(l) Concessionaire's operations shall be conducted in an efficient and orderly manner as is customary in similar operations, and in this connection Concessionaire shall keep and maintain the premises, equipment and improvements neat in appearance at all times and shall not permit or maintain any unsightly condition to exist.

(m) Concessionaire agrees not to cut, trim or destroy any trees or shrubs from said premises without the written approval of the Superintendent of Parks.

(n) Concessionaire shall not create or permit to exist any unhealthy, unsanitary or dangerous condition on said premises, and said premises and improvements shall be subject to inspection by the Director of Parks and Recreation, or his representatives, at any reasonable time.

(o) No alcoholic beverages shall be permitted to be consumed on said premises and improvements operated by Concessionaire.

#### VII.

The refusal of Concessionaire after written notice to comply with any part of this agreement shall be sufficient grounds for revoking this concession. In case of default of any covenant made herein by Concessionaire, the City, acting through its City Manager, after notice to Concessionaire and its refusal to cure such default, may declare this permit and concession terminated at its discretion, and the City shall have the right without further notice and demand, to remove all persons or property from the premises without being deemed guilty of any manner of trespass and without liability for any damages, without prejudice to any other remedy the City may have.

#### VIII.

Concessionaire agrees to save the City free and harmless from all claims or liability for damages to any person or persons for injuries to person or persons resulting in the death of any person or loss or damage to

property occasioned by or in connection with the exercise of the rights and privileges hereby granted. Concessionaire hereby assumes responsibility for the acts and conduct of all persons employed by Concessionaire.

#### IX.

During the term of this concession, Concessionaire shall carry insurance as follows:

Concessionaire shall carry and thereafter keep in full force and effect public liability insurance in the amount of \$1,000,000 dollars each accident for bodily injury and one hundred thousand dollars property damage each accident in the name of the Concessionaire and the name of the City of Austin to protect the City against any claim for injuries to any person or property which insurance coverage shall be issued by a company authorized to engage in such business under the laws of the State of Texas. Concessionaire will furnish said City with a certificate that such insurance is in effect.

#### X.

If Concessionaire holds over after the termination of this Contract and Concession for any reason, the rental during such time shall continue as specified above and such holding over shall be on a month-to-month basis only.

## XI.

In the event that Concessionaire is unable to perform in accordance with the terms and provisions of this concession agreement, then the City reserves the right to take over and operate the concession. The City shall render an account to Concessionaire of all business done for which the City has taken over and operated the concession because of the inability of Concessionaire to perform and shall be entitled to charge the concession the cost to the City of operating the concession and the cost to the City shall be deducted by the City from the gross receipts. When Concessionaire is in a position to do so, then it may reinstate and operate the concession in accordance with the terms and provisions hereof.

## XII.

It is further understood and agreed that Concessionaire shall have the right to construct additions, maintain and operate improvements, facilities, equipment, etc. that may be necessary to carry out the purposes for which this concession is granted. The plans and specifications for all such additions shall first be submitted to and approved by the City Manager of the City of Austin before the construction of same. All such improvements shall be the property of Concessionaire and shall be removed from said premises before termination of this Agreement. In the event of forfeiture of Concessionaire's rights here under, Concessionaire shall have sixty (60) days in which to remove said improvements and restore the

premises to a reasonably clean and neat condition. Any improvements not removed by Concessionaire within the time herein provided shall pass to and become the property of the City unless the City agrees in writing to the contrary.

## XIII.

The City of Austin shall have the first option to purchase the equipment and the physical assets of this business at the price the same is offered for sale to a third party.

## XIV.

Concessionaire further agrees that any new stockholders or owners of this concession must first be approved by the City Manager of the City of Austin.

WITNESS OUR HANDS this the 19th day of September, 1989.

Zilker Eagle, Inc.

BY Charles Beall  
President

CONCESSIONAIRE

CITY OF AUSTIN

BY [Signature]

## ORDINANCE NO. 850725-G

AN ORDINANCE ADOPTING CITY POLICY AND PROCEDURES FOR ACCEPTANCE OF LAND DEDICATIONS AND FOR THE NAMING OF PUBLIC FACILITIES; SUSPENDING THE RULE REQUIRING THE READING OF AN ORDINANCE ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

SECTION 1. That the annexed "Policy and Procedures for Acceptance of Land Dedications With/Without Improvements and for the Naming of Public Facilities," marked Exhibit "A" and by this reference incorporated herein for all purposes, is hereby adopted.

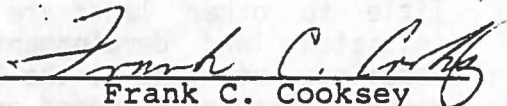
SECTION 2. Nothing in the policies and procedures adopted hereunder shall be construed to modify established policies and procedures of application and interpretation of the City Subdivision Ordinance or land use regulatory ordinances of the City of Austin.

SECTION 3. The rule requiring that ordinances be read on three separate days is hereby suspended, and this Ordinance shall become effective upon the expiration of ten days following the date of its final passage, as provided by the Charter of the City of Austin.

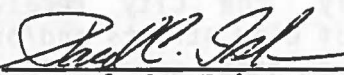
PASSED AND APPROVED

§  
§  
§  
§

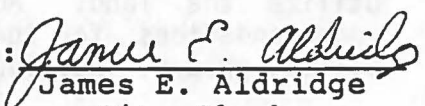
July 25, 1985

  
Frank C. Cooksey  
Mayor

APPROVED:

  
Paul C. Isham  
City Attorney

ATTEST:

  
James E. Aldridge  
City Clerk

JRR:sh

POLICY AND PROCEDURES FOR  
ACCEPTANCE OF LAND DEDICATIONS  
WITH/WITHOUT IMPROVEMENTS AND  
FOR THE NAMING OF PUBLIC FACILITIES

PURPOSE

This Policy is to establish the methods, procedures and authority for the acceptance of proposed plat dedications, and acceptance of dedications by separate instrument with/without improvements, and with/without restrictions and for the naming of public streets or facilities in those cases when the proposed dedication is not a City-initiated or required dedication.

BACKGROUND

The City of Austin is actively involved in the acquisition of land by City-initiated purchases, plat dedications, and donations. The City accepts ownership rights to land in the form of fee simple title and/or easement rights depending upon the use intended for the land. City-initiated land purchases are normally in response to City construction projects, park projects, street improvement projects (Capitol Improvement Program Projects), and similar uses. In these cases, the acceptance of the conveyances is made on the City's behalf by the initiating City department, typically the Public Works Department, Real Estate Division, City Electric Department, Right of Way Division; Water and Wastewater Department, Engineering Division; or the Office of Land Development Services.

Title to other lands are given to the City in response to privately initiated land development projects through plat dedication and donations of land to the City by separate instruments. Occasionally restrictions are proposed on land dedications and donations of land which could effectively reduce the City's or public's ability to fully utilize the land. Additionally, the City receives requests or recommendations for the naming of City streets and/or facilities from citizen groups, individuals or from other sources public or private.

## POLICY

### DEDICATIONS BY PLAT

#### 1. Method - Easements Only

- a. Easements for utilities, drainage (surface water, enclosed storm sewer, culverts, etc.), access easements granted for public use or providing access for service vehicles and equipment, trail easements for park purposes, conservation easements, or franchised cablecommunication (voice, data, or video) or other special purposes.
- b. Rights of Way - streets, alleys

#### 2. Procedure

The dedicator shall place within the dedicatory statement of the plat, the following language "...and (I, we, it) do hereby dedicate to the public the use of the (streets, easements or sites) shown hereon (subject to any restrictions heretofore granted or hereby imposed)."

The above or similar language is to be used when the fee title is not to be dedicated but only designated rights are to be granted for designated purposes. If the fee title is to be granted, a separate instrument is required and should follow the guidelines set forth in DEDICATIONS BY INSTRUMENT, part 2 b. shown hereinbelow.

The City of Austin will not accept plat dedications whereupon any of the restrictions previously filed or imposed concurrently with the filing of the plat contain reversionary clauses or clauses imposing liability upon the City or its successors for events occurring within said dedicated areas.

The words "Park" or "Public Park" should not be shown on the plat drawing unless a plat note is shown on the plat clearly stating that the park easement rights are granted either to the City of Austin, another public entity, such as a Municipal Utility District, a homeowners' association or reserved to the developer or its heirs and assigns, and further noting which entity shall be responsible for maintenance. The dedicator shall not indicate that the City of Austin shall be responsible for maintenance of the park easement unless the Director of Parks and Recreation, or his/her designee has agreed to such conditions and joins in by providing signature(s) on the plat.

### 3. Authority

The Director of the Office of Land Development Services, hereinafter referred to as OLDS, shall coordinate the proposed dedications by plat with the other City departments which may have jurisdiction upon acceptance. For instance, Electric Department regarding proposed electric easements, Public Works for proposed street dedications. More than one department may have an interest in one proposed dedication. For instance, Water and Wastewater and Electric and Public Works may all have jurisdiction in a Public Utility Easement, or right of way which is to contain utilities. The signature of the Director of OLDS upon the plat as approved by the Planning Commission shall signify acceptance of the dedicated property by the City of Austin, and in the case of an easement dedicated for park purposes, shall be joined by the signature of the Director of Parks and Recreation Department. All City of Austin ordinances regarding subdivisions and/or zoning shall additionally be complied with unless waived or amended by methods legally applicable at the time.

### DEDICATIONS BY INSTRUMENT

#### 1. Method

- a. Easements or dedications of right of way may be conveyed to the City by separate instrument in cases where a subdivision or resubdivision is not required.
- b. All conveyances of fee title to the City shall be accomplished by the dedicator executing a deed.

#### 2. Procedure

- a. Easements - all easements received from sources outside City departments (consulting engineers, developers, surveyors, etc.) will be received by the Construction Review Section of the Office of Land Development Services on the third floor, Municipal Annex, 301 West 2nd Street.

Upon receipt of the proposed easement documents, the field notes and sketch will be forwarded to the appropriate City Department which, if accepted, shall have jurisdiction or responsibility therefor, to confirm the desire to accept the easement and then to the Public Works Department, Mapping Division, to verify the content and accuracy. When the willingness to accept and the accuracy have been verified, the set of original documents will be sent to the Public Works Department, Real Estate Division to verify the correctness of

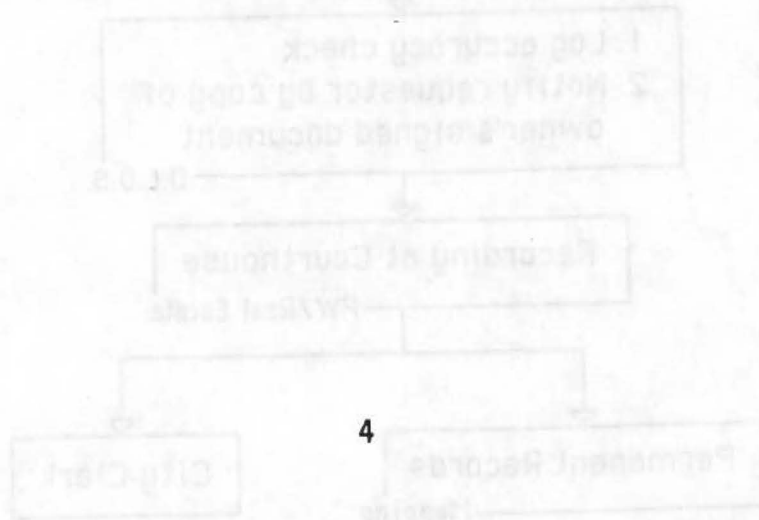
the dedication document and, if correct, to record the instrument.

To accept the easement or right of way dedication documents for processing, all of the following are required:

- (1) Cover letter describing the reason for the proposed easement, what firm or person is duly authorized and is making the dedication, what type of easement or right of way is being dedicated, location of easement or right of way, and how dedicator or his agent can be reached. Where applicable, a City file number should be shown, such as a subdivision, zoning case, or development permit number.
- (2) Dedication Instrument (Submit Original and one (1) copy)
  - (a) Original legal dedication instrument on form acceptable to Real Estate Division, signed by owner(s). (See attachments)
  - (b) Original field notes, signed and dated by surveyor (with seal).
  - (c) Sketch of dedication, original, reproducible.

Upon receipt of the original executed documents by the Real Estate Division, the Director of OLDS will be so notified so that any approvals dependent upon the dedications may be granted.

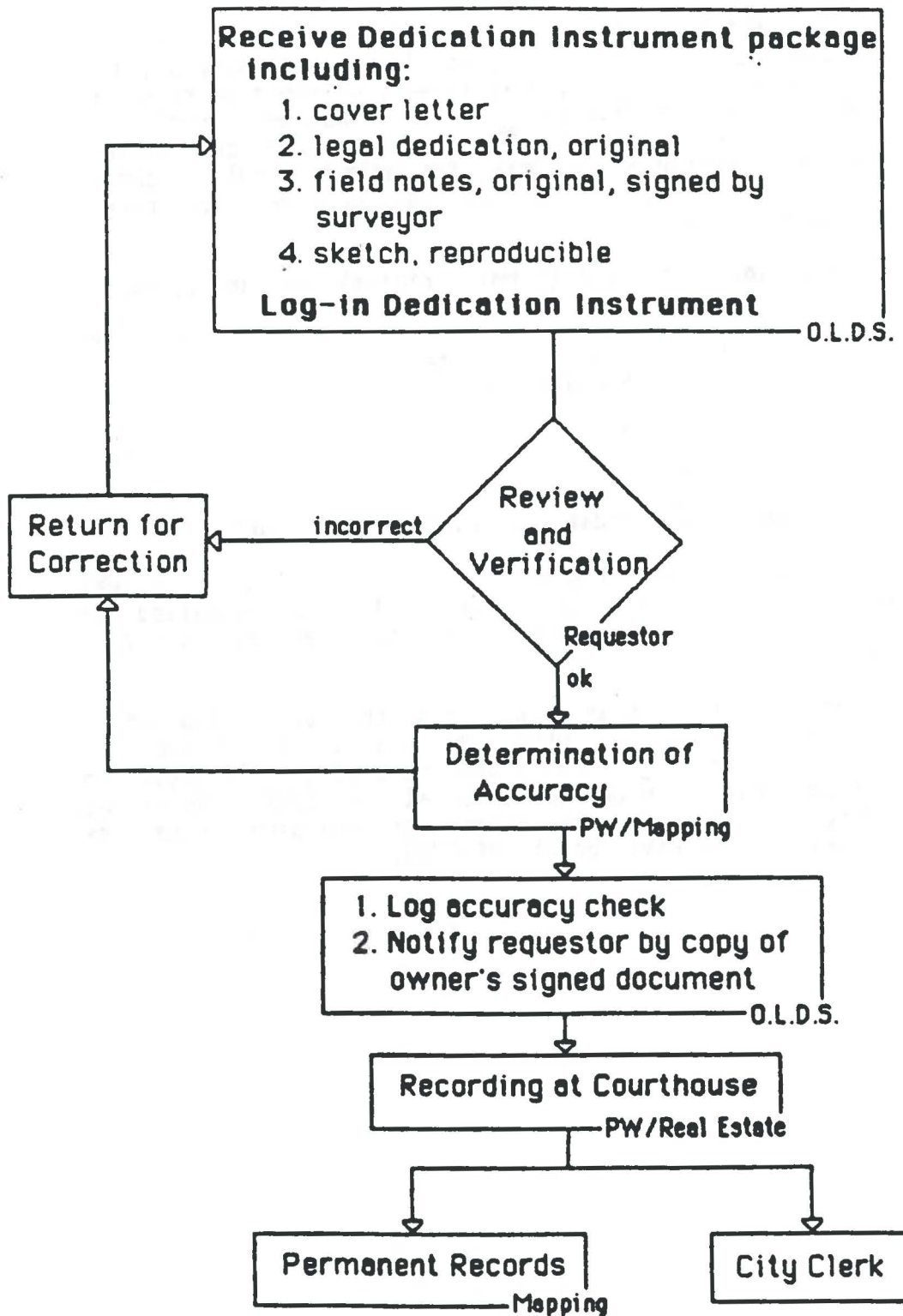
The attached flow chart indicates the processing of a dedication upon receipt by OLDS. Allow a minimum of two (2) weeks for processing. Questions regarding field notes and processing can be made to OLDS at 499-2747. Questions regarding instrument and preparations or recording can be made to the Real Estate Division at 499-7090.



# OFFICE OF LAND DEVELOPMENT SERVICES

## SEPARATE INSTRUMENT EASEMENT DEDICATION

for Consultants, Developers, Surveyors



- b. Fee title dedications by legal instrument (deed). All proposals to dedicate or grant property in fee title to the City by deed shall be received by the Real Estate Division, Public Works Department, P. O. Box 1088, Austin, Texas, 78767-1088, or if by delivery to 505 Barton Springs Road, Suite 920, Austin, Texas.

Upon receipt of proposed Offer of Land in Fee Title, With/Without Improvements to the City of Austin (see Exhibit "A" attached hereto), the Director of Public Works, will present the offer to each department which may be affected by the acceptance of the proposed offer. If a desire to accept the offer is verified, the Public Works Department will contact the proposer to coordinate the preparation of the deed and field notes, if necessary.

If the proposer offers land on which taxes are owing (other than the current year) acceptance thereof and payment of the back taxes shall be at the option of the City and shall not be accepted if the amount of taxes in arrears exceeds 50% of the fair market value of the property.

If the offer involves a proposed restriction on the use of the land, such as for a Fire Station site or Library, or if the acceptance of the offer will require the City to expend funds over and above normal and customary maintenance, then the offer shall be presented to the Advisory Board or commission having jurisdiction. The Planning Commission shall be authorized to consider those offers for which there is no other appropriate board or commission. The offer then shall be presented to the City Council along with the recommendation for acceptance or rejection as made by the advisory board or commission.

### 3. Authority

The Director of Public Works will have the authority to accept fee title dedications on behalf of the City of Austin provided that the dedication does not contain buildings, subsurface conditions or improvements which would cause the City to incur unusual operating or maintenance costs.

Restrictions pertaining to the use of the property such as for "Park Purposes" or street purposes may be accepted by the Director of Public Works.

All offers of land for which conditions, restrictions, (other than restrictions which simply dedicate the use of the property), or

reversionary clauses are to be imposed shall be presented to the City Council for its acceptance or rejection. Final acceptance or rejection by the City Council shall be by Resolution.

If naming the land or facility which is being offered is a condition, it must be approved by the City Council and is subject to the Street and Facility Naming Policy, Exhibit "B", which has previously been adopted by the City Council of the City of Austin and is incorporated herein for reference. The Application for Facility Naming form must be completed by the person or entity making the offer in addition to the application offering the land with/without improvements which is shown in Exhibit "A".

APPROVED BY CITY COUNCIL ON July 25, 1985.

James E. Aldridge  
James E. Aldridge  
City Clerk

OFFER OF LAND IN FEE TITLE WITH/WITHOUT IMPROVEMENT  
TO THE CITY OF AUSTIN

Name of Person(s), Company, Corporation or Entity making offer.  
(Husband and Wife's names must be shown if community property.)

FIRST NAME MIDDLE LAST

or

COMPANY-CORPORATION-OTHER, NAME

NAME OF PERSON AUTHORIZED TO ACT FOR COMPANY-CORPORATION

P. O. BOX or NO. STREET CITY STATE ZIP CODE

ADDRESS OF PROPERTY BEING OFFERED TO CITY, AND LEGAL DESCRIPTION  
(ATTACH PLAT, MAP OR DRAWING)

APPROXIMATE FAIR MARKET VALUE \$

DESCRIBE IMPROVEMENTS ON PROPERTY AND APPROXIMATE VALUE.

LIST EXISTING EASEMENTS, RESTRICTIONS OR CONDITIONS (SUCH AS KNOWN  
SUBSURFACE CONDITIONS) WHICH NOW AFFECT THE PROPERTY

LIST RESTRICTIONS OR CONDITIONS WHICH YOU PROPOSE TO IMPOSE UPON THE  
PROPERTY IF ACCEPTED BY THE CITY

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

HAVE ALL PREVIOUS YEARS TAXES BEEN PAID? \_\_\_\_\_

ARE THERE ANY EXISTING LIENS OR OTHER ENCUMBRANCES AGAINST THE  
PROPERTY? \_\_\_\_\_ LIST NAMES AND ADDRESSES OF LIEN HOLDERS

\_\_\_\_\_  
\_\_\_\_\_

IS THE PROPERTY OR ANY PORTION OF IT LOCATED WITHIN THE 100 YEAR FLOOD  
PLAIN? \_\_\_\_\_ 25 YEAR FLOOD PLAIN? \_\_\_\_\_

IS THIS PROPERTY BEING OFFERED AT NO COST TO THE CITY? \_\_\_\_\_  
IF NOT, EXPLAIN \_\_\_\_\_

\_\_\_\_\_

PLEASE ADD ANY ADDITIONAL PERTINENT INFORMATION BELOW.

\_\_\_\_\_  
Signature of Offerer

CITY OF AUSTIN  
STREET AND FACILITY NAMING POLICY

- I. Purpose
  - A. To establish uniform procedures for naming City streets and facilities that will provide individual citizens, citizens' groups or City Departments consistent guidelines for initiating such action.
- II. Facilities
  - A. Current practice
    1. Generally projects are referred to by type plus number (Fire Station No. 27), geographical (Northwest Recreation Center), district (Montopolis Health Center), street (Manchaca Branch Library), or use (Senior Citizens Activity Center) when initiated in the Capital Improvements Program. These references usually continue with the project through design and construction and result in these references being used on the building plaques.
    2. On rare occasions a facility has been named, during the preliminary phases, for an individual that has provided outstanding service to the City.
    3. Occasionally, an existing facility is renamed to honor an individual that has provided outstanding service to the City.
  - B. General building types
    1. Following are general building types constructed by the City. An asterisk denotes facilities recommended for naming considerations.
      - a. Aviation (Airport)
        - \* (1) Terminal Building
        - (2) Associated Buildings
      - \* b. Brackenridge Hospital
      - c. Electric
        - \* (1) Administration Building
        - (2) Service Yards
        - \* (3) Power Plants
      - d. Emergency Medical Services
        - (1) Stations
      - e. Energy Management
        - (1) Offices
      - f. Fire
        - (1) Administration Building
        - (2) Fire Prevention Building

- (3) Stations
  - (4) Training Structures
- \* g. Health
  - (1) Neighborhood Clinics
- \* h. Human Services
  - (1) Neighborhood Centers
- i. Libraries
  - \* (1) Main Library
  - (2) History Center
  - \* (3) Branch Libraries
- j. Parks and Recreation
  - \* (1) Administration Building
  - \* (2) Recreation Centers
  - \* (3) Senior Activity Center
  - \* (4) Swimming Pools
  - \* (5) Parks
  - \* (6) Playgrounds
  - (7) Rest Rooms
  - (8) Service Yards
  - (9) Special
- k. Police
  - (1) Administration Building
  - (2) Training Building
  - (3) Neighborhood Stations
- l. Public Events
  - \* (1) Auditorium
  - \* (2) Coliseum
- m. Public Works
  - (1) Service Yards
    - (a) Administration Buildings
    - (b) Utility Buildings
- n. Purchasing
  - (1) Stores Buildings
- o. Urban Transportation
  - (1) Maintenance Buildings
  - (2) Austin Transit
- p. Vehicle Services
  - (1) Service Yards
    - (a) Administration Buildings
    - (b) Garage Buildings
    - (c) Utility Buildings
    - (d) Radio Shop
- q. Water & Wastewater
  - (1) Service Yards
    - (a) Administration Buildings
    - (b) Utility Buildings
  - (2) Main Administration Building

- r. General Office Buildings
  - \* (1) Municipal Building
  - \* (2) Municipal Annex
  - (3) Rebekah Baines Johnson Building

C. Recommendations

1. Building Facilities, Parks, Pools and Playgrounds
  - a. Only facilities directly serving the public will be named. The most logical facilities are those with asterisks on the list of building types in II.B.
  - b. Features within facilities, such as fountains, reflective pools, special rooms, special features or equipment, can be dedicated to the memory of worthy individuals by appropriate plaques without actually naming or renaming the facility. This alternative can recognize the valuable contributions of citizens, employees killed in line of duty, and so forth.
  - c. Recognition plaques for deserving individuals or groups may be placed in individual facilities.
  - d. Buildings, parks or other facilities previously named for individuals shall not be renamed.
  - e. Facilities may be named for deceased or living persons. For a living person to be considered they shall have established creditable service to the community and City of Austin.
  - f. New buildings should be considered for official naming upon completion of the schematic design in order that the official name can be established and made a part of the dedication plaque. The Public Works Department staff will alert the User Department in the event the Board/Commission or Department desires to submit an application for officially naming the project. If an application is not submitted, the project reference in the C.I.P. will be used on the dedication plaque.
  - g. Establish an application procedure for naming new facilities or renaming existing facilities not previously named for an individual.

D. Application Procedure

1. User Departments, Boards or Commissions may submit applications for naming new facilities during the early planning phases. The Public Works Department staff will alert the User Department advising them of this option.

2. Names for new facilities may be initiated by any person or group and submitted to the Public Works Department. Applications will contain information as follows:
  - a. A biographical sketch of the person whose name is suggested. Substantiate person's involvement in the community or departmental activity.
  - b. Provide justification for name if it is not that of an individual.
  - c. Provide a statement noting the appropriateness of the facility, facility activity, and the person being recommended.
  - d. In the event the application is for renaming an existing facility, it shall include an estimate of cost to the City for replacement of signs and plaques.
3. Completed applications after being reviewed by the Public Works staff will be submitted to the board or commissions having jurisdiction for the appropriate department or the Planning Commission in the absence of any board or commission. The board or commission will then make its recommendation to the City Council at least four weeks prior to consideration by the City Council.
4. The City Council may accept special gifts and consider specific conditions concerning names.
5. Applications for renaming existing facilities will follow the preceding procedures and must be initiated by the City Council, a Board or Commission or User Department.

### III. Street Name Changes

- A. Ordinance 80 0214-A (attached) is an appropriate document for street name changes.
- B. Recommended amendments to the Ordinance
  1. Article III, Section 31-101(a) - Director of Engineering changed to read Director of Public Works.
  2. Article III, Section 31-101(c) - Engineering Department changed to read Public Works and Engineering Department.
  3. Article III, Section 31-102(a) - Engineering Department changed to read Public Works and Engineering Department.
  4. Article III, Section 31-102(a)(5) - Public Works Department changed to read Public Works and Engineering Department.
  5. Article III, Section 30-103(b) - Engineering Department changed to read Public Works and Engineering Department.
  6. Article III, Section 31-103(a) - Engineering Department changed to read Public Works and Engineering Department.

7. Article III, Section 31-103(c) - Engineering Department changed to read Public Works and Engineering.  
C. This ordinance does not apply to temporary ceremonial street names honoring an individual.

IV. Forms

- A. PBD 061284 - Application for Facility Naming

Approved by City Council on September 13, 1984

James E. Abilge  
City Clerk

APPLICATION FOR FACILITY NAMING

I/We \_\_\_\_\_ request that the name of  
\_\_\_\_\_ be considered for the  
Person

\_\_\_\_\_ facility located at  
\_\_\_\_\_.

Biographical Synopsis: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Justification: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Estimated cost for replacement of signs and plaques \_\_\_\_\_.  
I/We will pay full cost \_\_\_\_\_ or will participate \_\_\_\_\_% in the  
cost.

Submitted to the Public Works Department this \_\_\_\_\_ day of \_\_\_\_\_,  
19\_\_\_\_.

\_\_\_\_\_  
Signature



**CITY OF AUSTIN  
RECOMMENDATION FOR COUNCIL ACTION**

AGENDA ITEM NUMBER

AGENDA DATE

PAGE ONE OF

SUBJECT

Amend Section 10-4-4 of the Code of the City of Austin (public park curfews) to provide for regulation in the use of City parks and recreational facilities

ORDINANCE ☒

RESOLUTION ☐

OTHER SPECIFY

AMOUNT AND SOURCE OF FUNDING

REQUESTED BY (Department or other point of origin)

Law Department

DIRECTOR'S SIGNATURE

CITY MANAGER AUTHORIZATION

FOR ADDITIONAL INFORMATION-CONTACT

Raul Calderon

DEPARTMENT

Department of Law

TELEPHONE NUMBER

499-2173

DATE AND IDENTIFICATION OF PRIOR COUNCIL ACTION

BOARD AND COMMISSION ACTION

Section 10-4-4(b) of the Austin City Code, providing for park curfew waivers, was found to be invalid by the local federal district court in the case of James A. Williams and Terry Page v. City of Austin and Barney L. Knight (Civil No. A-89-Ca-435). In that case, the court declared subsection 10-4-4(b) and dependent sections unconstitutional because of the unrestrained discretion given to officials of the City in granting applications for the use of park areas during curfew hours.

Section 10-4-4 has been redrafted to strengthen its overall enforcement and to correct deficiencies noted by the district court. The Director of Parks and Recreation is given standards by which to issue permits, is directed to establish guidelines, and is authorized to establish designated-use areas and to require permits for those uses (i.e., fishing, camping, and night-time use). The revisions also provide for removal and impoundment procedures that afford persons affected the right to contest impoundments in Municipal Court.

REQUIRED AUTHORIZATION

FINANCIAL SERVICES

LAW

W. C. C. C.

OTHER

## ORDINANCE NO. 91 - \_\_\_\_\_

AN ORDINANCE AMENDING CHAPTER 10-4 OF THE CODE OF THE CITY OF AUSTIN, 1981; ESTABLISHING HOURS OF OPERATION FOR PARKS AND OTHER RECREATIONAL FACILITIES; PROVIDING FOR PERMITTING REQUIREMENTS; ESTABLISHING PROCEDURES FOR IMPOUNDMENT OF MOTOR VEHICLES AND WATERCRAFT; WAIVING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

**PART 1.** That Chapter 10-4, Code of the City of Austin, 1981 is amended by striking Section 10-4-4 in its entirety and substituting in lieu thereof a new Section 10-4-4:

Section 10-4-4 as follows:

(a) The Director of the Parks and Recreation Department is authorized to require and issue permits for the reservation and use of park areas and athletic or recreational facilities. Permits shall be conditioned as shall be reasonably necessary to avoid scheduling conflicts, traffic congestion, damage to park property and landscaping and to preserve the public and park user's health, safety and welfare. The Director shall be authorized to establish written guidelines for the use of parks and recreational facilities and for the issuance of permits.

(b) It shall be unlawful for any person to loiter, remain or be in any City park, athletic or recreational facility, greenbelt or in or upon the waters of Town Lake or Lake Walter E. Long between the hours of 10:00 p.m. and 5:00 a.m., except as provided in this section, which exceptions shall constitute an affirmative defense to violations of this section. The provisions of this section shall not apply to:

1. Persons whose presence is authorized by a City contract or agreement;
2. Persons participating in or attending events, activities or programs previously approved or scheduled by the Parks and Recreation Department and remaining in the locale until the event, activity or program has concluded.
3. Persons possessing a permit to fish or camp in those areas duly designated for such activities by the Director of the Parks and Recreation Department. The Director shall be authorized to require and issue permits for fishing and camping.
4. Persons possessing a permit to use those areas duly designated for night time use by the Director of the Parks and Recreation Department. The Director shall be authorized to require and issue permits therefore. The granting of such permit shall not constitute a waiver, exception or defense to any other applicable law or ordinance.

(c) Motor vehicles or watercraft found in City parks, athletic or recreational facilities, greenbelts or in or upon the waters of Town Lake or Walter E. Long between the hours of 10:00 p.m. and 5:00 a.m. shall be subject to removal and impoundment provided however, that this provision shall not apply to motor vehicle or watercraft in the possession of persons whose presence is allowed under subsections (b) 1, 2, 3, or 4. above. Any motor vehicle or watercraft which cannot be safely and promptly removed by a person possessing such motor vehicle or watercraft while in violation of subsection (b) above shall be impounded.

PART 2. The requirement imposed by Section 2-2-3 of the Austin City Code of 1981, that ordinances be read on three (3) separate days shall be, and is hereby waived by the affirmative vote of at least five (5) members of the City Council to pass this ordinance through more than one reading on a single vote.

PASSED AND APPROVED

, 1991

APPROVED:

ATTEST:

RC/lw